

Response to Office Action Mailed July 13, 2007

A. Claims In The Case

Claims 1-5, 7, 12, and 15 have been rejected. Claims 6, 8-11, 13, and 14 have been objected to. Claim 1 has been amended. Claims 3 and 4 have been canceled without prejudice. Claims 1-2 and 5-15 are pending in the case.

B. Information Disclosure Statement

Applicant acknowledges the Examiner's thorough review of the cited references. As noted by the Examiner, a number of references appear to have been accidentally cited to the Examiner. Applicant sincerely regrets any inconvenience this may have caused the Examiner. Applicant believes that, at this time, the Examiner has reviewed the most relevant art to the knowledge of Applicant's undersigned agent. As such, Applicant has not submitted any further Information Disclosure Statements.

C. Drawings

The Examiner objected to the drawings under 37 CFR 1.83(a) with respect to claims 3 and 4. To expedite prosecution, Applicant has canceled claims 3 and 4.

D. The Claims Are Not Anticipated By The Cited Art Pursuant To 35 U.S.C. § 102

The Examiner rejected claims 1, 5, 12, and 15 as being anticipated by U.S. Patent No. 5,051,693 to Brauer ("Brauer"). Applicant respectfully disagrees with these rejections.

The standard for “anticipation” is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed.Cir. 1986); *In re Donahue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed.Cir. 1985).

Claim 1 describes a combination of features including but not limited to the following features:

wherein a portion of the non-rotating sensor assembly axially retains said elastic member on the sensor assembly.

Support for the amendments to Applicant’s claims may be found, for example, on page 6, lines 14-27. Applicant submits that this feature, in combination with the other features of Claim 1, do not appear to be taught or suggested by Brauer.

The Examiner cites Brauer as anticipating Applicant’s claims. Specifically, the Examiner asserts that Bauer teaches an element (30) outside of said bearing device in order to exert, directly or indirectly, by reaction from the above element outside said device, an axial force on the non-rotating race in a direction opposite to the detection assembly. With respect to element 30, Bauer states that “The above preload may be applied by a securement device 30 such as a nut... (Bauer, Col. 2, lines 39-42)

Applicant’s claims include, but are not limited to, the feature of “a portion of the non-rotating sensor assembly axially retains said elastic member on the sensor assembly.” Applicant submits that at least this feature does not appear to be taught or suggested by the cited art. With respect to this feature, Applicant’s specification states:

As shown in FIG. 2, the bearing 1 additionally includes an axially prestressing member 25, here taking the form of a corrugated washer, this member being arranged in the bore 19 and being in contact with the board 21 by way of a surface 25a on the same side as the ribbon connector 23. Formed at the free end of the tubular part 18 of the sensor unit 15 are a plurality of fingers, of which three fingers 26 ensure that the board 21 is retained axially such that it is immobilized axially between the shoulder 20 and the fingers 26. The fingers 26 project radially inward with respect to the bore 19.

Also provided are three other retaining fingers 27, likewise distributed circumferentially, for retaining the axially prestressing member 25, these likewise projecting inward with respect to the bore 19. The retaining fingers 27 are in contact with a surface 25b of the axially prestressing member 25 on the opposite side to the surface 25a. The axially prestressing member 25 forms, with the bearing 1, a pre-assembled subassembly that may be assembled economically with the other constituents of an electric motor.

Applicant teaches that a portion of the non-rotating sensor assembly axially retains said elastic member on the sensor assembly. For example, in one embodiment, as described in the above-cited section, integral retaining fingers 26 and 27 retain the elastic member on the sensor array. In contrast, Brauer teaches use of a separate part (i.e., a nut) to retain an elastic member. As such, Applicant submits that the claims are patentably distinct with respect to Brauer.

E. The Claims Are Not Obvious Over The Cited Art Pursuant To 35 U.S.C. § 103(a)

The Examiner has rejected claims 2-4 and 7 as being unpatentable over Lin. For at least the same reasons cited above, Applicant submits that claims 2-4 and 7 are allowable over the cited art.

F. Conclusion

Applicant submits that the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

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Applicant respectfully requests a one-month extension of time to respond to the Office Action dated July 13, 2007. A fee authorization form in the amount of \$120.00 is enclosed for the extension of time fee. If any further extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzl, P.C. Deposit Account Number 50-1505/5310-05500/EBM

Respectfully submitted,

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